

## **TOWN OF WINDSOR OPERATOR'S LICENSE REVIEW POLICY**

### **I. PURPOSE.**

The Town Board of the Town of Windsor is responsible for issuance of operator's licenses for the service of alcoholic beverages. The holder of such a license must exercise a high degree of responsibility as the distributor of what is essentially a legal drug. Licensees are expected to ensure alcohol beverages are not served or sold to underage persons or intoxicated persons. They are expected to uphold all laws relating to the sale and consumption of alcohol beverages on the premises they control. Licensees are expected to actively discourage and minimize disturbances of the peace, maintain community safety, discourage impaired driving and also frequently work in cooperation with law enforcement. Before issuing an Operator's License to an individual, the Town Board must be reasonably satisfied that the applicant can be entrusted with these responsibilities.

This policy is adopted to guide the Town Board in evaluating applications for Operator's Licenses and to assist in determining when an application may be rejected. This policy is not intended to set forth all possible reasons for denial of an application. This policy is also not to be construed as a limit on the Town Board's ultimate discretion to issue a license or deny an application for any lawful reason.

### **II. ARREST AND CONVICTION RECORDS.**

The Town Clerk, in cooperation with the Dane County Sheriff's Department, shall conduct a review of the arrest and conviction records of all applicants and report the results to the Town Board. **Provided the circumstances of the offense substantially relate to the duties of the holder of an Operator's License,** persons with arrest or conviction records revealing any of the following, shall not be issued an Operator's License:

- A. Conviction of a felony, unless duly pardoned.
- B. Conviction, or current charge pending, under state statute or local ordinance, for one or more violent offenses (e.g. battery, disorderly conduct, sexual assault, intimidation of witness), offenses against government (e.g. resisting or obstructing an officer, perjury, bail jumping) or drug offenses, not including simple possession, within the five years prior to the date of application
- C. Conviction or current charge pending, under state statute or local ordinance, for two or more violent offenses, offenses against government, or drug offenses not including simple possession, arising out of separate incidents within the ten years prior to the date of application.

- D. Conviction or current charge pending for two or more offenses arising out of separate incidents within the five years prior to the date of application of any of the following offenses, whether under state statute or similar local ordinance:
1. Disorderly conduct, criminal damage to property, solicitation of prostitution or other prostitution related offenses;
  2. Alcohol beverage offenses;
  3. Possession of controlled substances or controlled substance analog;
  4. Operating a motor vehicle contrary to any offense under Wis. Stats. § 346.63 (impaired driving law);
  5. Open intoxicants violations – in motor vehicle or public places.
- E. The person is a habitual law offender. A person shall be considered a habitual law offender if the person has been convicted or has a current pending charge for:
1. Two or more offenses arising from separate incidents within the year immediately preceding the date of application;
  2. Three or more offenses arising from separate incidents within the five years immediately preceding the date of application; or
  3. Six or more offenses arising from separate incidents within the ten years immediately preceding the date of application.

### **III. TRUTHFUL APPLICATIONS.**

If the Town Board determines the applicant has provided false information or intentionally omitted pertinent information, the application shall be denied and no new application shall be approved for a period not less than one year from the date of denial.

### **IV. APPEAL OF INITIAL DETERMINATION.**

Any person denied an Operator's License may appeal the determination. Operator's Licenses will be granted on appeal only where extraordinary circumstances exist to demonstrate that the person is capable of exercising the necessary judgment and responsibility to hold an Operator's License despite the evidence to the contrary contained in the person's arrest or conviction record.



Within 30 days of receipt of the written determination to deny the Operator's License an appeal shall be filed by submitting a detailed written explanation of the specific extraordinary circumstances along with any supporting documentation including, but not limited to, letters from treatment centers and opinions of doctors or counselors. Simple expressions of remorse or unsubstantiated pledges of having changed one's ways do not constitute specific evidence of extraordinary circumstances.

The appellant shall be given written notice by regular mail of the date and time the Town Board will render a decision on the appeal. Failure to appear will generally constitute grounds for denial of the appeal; however, a decision may be made based upon the written appeal application alone if the written materials, in the opinion of the Town Board, do not appear to set forth sufficient grounds to overturn the denial of the license.